

CHAPTER 860
Personal Property and Real Estate Tax

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CROSS REFERENCES

Tax exempt property - see Code of Va. § 58.1-3600 et seq.

Intangible personal property tax - see Code of Va. § 58.1-1100 et seq.

Real estate assessments - see Code of Va. § 58.1-3200 et seq.

Tangible personal property tax - see Code of Va. § 58.1-3500 et seq.

Payment of taxes by credit card - see ADM. 224.01

Agricultural, Horticultural, Forest or Newly Annexed Real Estate Tax - see B.R. & T. Ch. 848

Exemptions and refunds generally - see B.R. & T. Ch. 864, Ch. 868, Ch. 872, Ch. 873

860.01 PAYMENT OF TAX.

(a) Real Estate. Payment of taxes due and owing to the County for real estate shall be paid by, or on behalf of, persons owing such taxes on a semi-annual basis. One-half of the amount due and owing shall be paid by June 5 of the tax year and one-half of the amount due and owing shall be paid by the next following December 5.

(b) Personal Property and Machinery and Tools. Except for motor vehicles, boats and trailers, payment of taxes due and owing to the County for personal property and machinery and tools shall be paid by, or on behalf of, persons owing such taxes on a semiannual basis. One-half of the amount due and owing shall be paid by May 5 of the tax year and one-half of the amount due and owing shall be paid by the next following October 5.

(c) Proration of Tax on Motor Vehicles and Trailers. Personal property tax shall be levied upon motor vehicles and trailers which have a situs within the County as of January 1 of any tax year. Personal property tax shall be levied upon motor vehicles and trailers which acquire a situs within the County after January 1 of any tax year for the remaining portion of the tax year.

Payment of taxes for any motor vehicle or trailer which is subject to assessment on or before April 1 of a tax year shall be paid on a semiannual basis. For any motor vehicle or trailer subject to assessment on January 1 of the tax year, one-half of the amount due and owing shall be paid by May 5 of the tax year and one-half of the amount due and owing shall be paid by the next following October 5. For any motor vehicle or trailer subject to assessment after January 1, but not later than April 1 of the tax year, the first payment shall be paid by May 5 of the tax year and shall be calculated based on the number of months the motor vehicle or trailer was subject to taxation in the County during the first six months of the tax year as a proportion of the total number of months the motor vehicle or trailer is subject to taxation in the County for the tax year. The second payment shall be due October 5 of the tax year for the balance of the taxes due for the tax year.

Payment of taxes for any motor vehicle or trailer which is subject to assessment after April 1, but no later than August 1, of a tax year, shall be paid by October 5 of the tax year.

Payment of taxes for any motor vehicle or trailer which is subject to assessment after August 1 of a tax year shall be paid by December 5 of the tax year.

When any motor vehicle or trailer loses its situs in the County or changes ownership after January 1 of the tax year, any tax assessed on such motor vehicle shall be relieved, and any amount of the tax already paid shall be refunded, on a prorated basis for the remaining portion to the tax year. However, no refund shall be made if the motor vehicle or trailer acquires a situs within the Commonwealth in a nonprorating locality.

For purposes of this section, proration shall be determined on a monthly basis, with a period of one-half of a month or more counted as a full month and a period of less than one-half of a month not counted as a month.

A motor vehicle or trailer is exempt from taxation under this section for any tax year or portion thereof during which it was assessed by another jurisdiction in the Commonwealth and on which the tax has been paid.

Any person who moves from a nonprorating locality to the County in a single year shall be entitled to a property tax credit in the County if:

- (1) The person was liable for personal property taxes on a motor vehicle and has paid such taxes to a nonprorating locality; and
- (2) The owner replaces, for any reason, the original vehicle upon which taxes are due to the nonprorating locality for the same tax year.

The County shall provide a credit against the total tax due on the replacement vehicle in an amount equal to the tax paid to the nonprorating locality for the period of time commencing with the disposition of the original vehicle and continuing through the close of the tax year in which the owner incurred tax liability to the nonprorating locality for the original vehicle.

(Ord. 97-11. Passed 11-5-97; Ord. 02-02. Passed 1-8-02; Ord. 04-15. Passed 12-14-04.)

860.02 PENALTY FOR DELINQUENCY.

Where the taxes referred to in Section 860.01 have not been paid by the close of business on the date the taxes are due, or the first business day thereafter if the due date is not a business day, there shall be due and owing by such taxpayer to the County a penalty in the amount of ten percent of the tax past due on such property. Any such penalty when so assessed shall become a part of the tax.

(Ord. 97-11. Passed 11-5-97.)

860.03 DELINQUENCY INTEREST.

In addition to the penalty for failure to pay the taxes on time, there shall be due and owing by such taxpayer to the County an additional sum as interest at the rate of ten percent per year. Such sum shall be computed on a monthly basis beginning the first day following the day such payment is due, until the day of actual payment of such sum, and shall be computed at the annual rate of ten percent on the total sum of such taxes owed, including any penalty applicable thereto, for each calendar month.

(Ord. 97-11. Passed 11-5-97; Ord. 04-07. Passed 4-20-04; Ord. 04-10. Passed 6-8-04.)

860.04 FILING OF RETURNS; PENALTY FOR LATE OR NONFILING.

Pursuant to Section 58.1-3916 of the Code of Virginia of 1950, as amended, annual returns of tangible personal property, machinery and tools, and merchants' capital shall be filed with the Commissioner of the Revenue.

- (a) The deadline for filing of such tax returns for tangible personal property, and all motor vehicles, boats and trailers, whether or not used in a trade or business shall be February 1 of the year in which such return is required to be filed, except that the tax return for any motor vehicle or trailer that acquires a situs within the County after February 1 of the tax year shall be filed no later than sixty days after the motor vehicle, boat or trailer acquires such a situs.
- (b) No tax returns for motor vehicles, boats or trailers with a situs in Loudoun County need be filed with the Commissioner of the Revenue, provided that:
 - (1) A personal property tax return on any such motor vehicle, boat or trailer has previously been filed with the Commissioner;
 - (2) There has been no change since the previous filing in the owner's name and address; and
 - (3) There has been no change since the previous filing to the status or situs of the motor vehicle, boat or trailer.
- (c) The effective date of Section 860.04(b) shall be January 1, 1997.

- (d) The deadline for filing such tax returns for business tangible personal property (excluding motor vehicles, boats and trailers used in a trade or business), machinery and tools and merchants' capital shall be April 15 of the year in which such return is required to be filed.
- (e) Any person required to file a return, upon a request in writing to the Commissioner, may receive an extension of up to thirty days. Any person receiving such an extension but failing to file such return shall be subject to the penalty provided herein, to be assessed from the next day following the last day of the extension. Any person not receiving such an extension but failing to file such return shall be assessed the penalty from and including the return due date.
- (f) The Commissioner of the Revenue is hereby directed to impose a penalty of ten percent of the tax assessable on such return for the nonfiling or late filing of a tax return required to be filed with such Commissioner as provided in this chapter, pursuant to Section 58.1-3916 of the Code of Virginia of 1950, as amended. Any such penalty when so assessed shall become a part of the tax.
(Ord. 97-11. Passed 11-5-97; Ord. 02-02. Passed 1-8-02.)

860.05 EXEMPTION FOR HOUSEHOLD GOODS AND PERSONAL EFFECTS.

(a) Pursuant to authorization granted to the County under Section 58.1-3504 of the Code of Virginia of 1950, as amended, the following classes of household goods and personal effects shall be exempted from County taxation:

- (1) Bicycles;
- (2) Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds;
- (3) Pianos, organs, phonographs and record players, records to be used therewith, all other musical instruments of whatever kind and radio and television instruments and equipment;
- (4) Oil paintings, pictures, statuary, curios, articles of virtu and works of art;
- (5) Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry;
- (6) Sporting or photographic equipment;
- (7) Clothing and objects of apparel;
- (8) Antique motor vehicles, as defined in Section 46.2-100 of the Code of Virginia, as amended, which are not used for general transportation purposes; and
- (9) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.
(Ord. 99-04. Passed 3-17-99.)

(b) The classification set forth shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.

(c) The effective date of this section shall be January 1, 1967.
(Ord. 97-11. Passed 11-5-97.)

860.06 EXEMPTION FOR FARM ANIMALS, CERTAIN GRAINS, AGRICULTURAL PRODUCTS, FARM MACHINERY, FARM IMPLEMENTS AND EQUIPMENT.

(a) Pursuant to the authorization granted to the County under Section 58.1-3505 of the Code of Virginia of 1950, as amended, the following classes of farm animals, grains and other feeds used for the nurture of farm animals, agricultural products, farm machinery and farm implements shall be exempted from County taxation:

- (1) Horses, mules and other kindred animals;
- (2) Cattle;
- (3) Sheep and goats;
- (4) Hogs;
- (5) Poultry;
- (6) Grains and other feeds used for the nurture of farm animals;
- (7) Grain, tobacco and other agricultural products in the hands of a producer;
- (8) Farm machinery and farm implements; and
- (9) Equipment used by farmers or farm cooperatives qualifying under Section 521 of the Internal Revenue Code to manufacture industrial ethanol, provided, however, that the materials from which the ethanol is derived consist primarily of farm products.

(b) The effective date of this section shall be January 1, 1985.
(Ord. 97-11. Passed 11-5-97.)

860.065 ALTERNATIVE TAX RATE FOR SPECIALLY EQUIPPED VEHICLES.

(a) Pursuant to the authority granted to the County under Section 58.1-3506 of the Code of Virginia of 1950, as amended, motor vehicles specially equipped to provide transportation for physically handicapped individuals may be taxed at an alternative rate set annually by the County Board in conjunction with the setting of all other tangible personal property tax rates.

(b) As used in this section, "specially equipped" means any vehicle which has been modified specifically for the purpose of transporting physically handicapped individuals and which is certified as such by the Commissioner of the Revenue.
(Ord. 99-04. Passed 3-17-99.)

860.07 INTENT.

The provisions of this chapter are in no way intended to alter any provision of State law or any other County ordinance, the subject of which is not specifically addressed herein.
(Ord. 97-11. Passed 11-5-97.)

860.08 COLLECTION FEE.

In addition to the penalty and interest for failure to pay taxes on time, the Treasurer or other official charged with the collection of delinquent taxes and other charges is authorized to impose a

collection fee on the taxpayer to cover administrative costs. If such taxes or other charges are paid or collected after the expiration of 30 days after notice to the taxpayer of the delinquent taxes or other charges but prior to the taking of any judgment thereon, the fee shall be thirty dollars (\$30.00). If such taxes or other charges are paid or collected subsequent to the time a judgment is obtained, the fee shall be thirty-five dollars (\$35.00).

(Ord. 97-11. Passed 11-5-97; Ord. 03-05. Passed 7-8-03.)

860.09 ASSESSMENT AND EQUALIZATION OF REAL ESTATE; REAL ESTATE APPRAISER.

(a) Assessment and equalization of real estate for local taxation shall be performed on an annual basis.

(b) The Board of Supervisors shall appoint a real estate appraiser who shall perform the actual function of determining value for real estate in the County. Such appraiser shall be certified as a professional assessor by the State Department of Taxation and shall serve in lieu of a board of assessors as provided in Section 58.1-3271 of the Code of Virginia of 1950, as amended.

(c) The real estate appraiser shall serve at the pleasure of the Board of Supervisors, but shall report to the County Administrator or his or her designee regarding the information requirements of the County and the daily operations of the appraiser's office. The County Administrator shall report and make recommendations to the Board of Supervisors regarding the activities and performance of the appraiser.

(Ord. 97-11. Passed 11-5-97.)

860.093 ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED; EXTENSION OF TIME FOR PAYING ASSESSMENTS.

(a) Pursuant to the authorization granted to the County under Section 58.1-3292 of the Code of Virginia of 1950, as amended, the Commissioner of the Revenue or other assessing officer shall assess all new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion.

(b) The total tax on any such new building for that year shall be the sum of the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, plus the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year.

(c) The penalty for nonpayment of taxes by December 5 of the tax year shall be extended to February 5 of the succeeding year for any assessment made under this section after September 1 of the tax year.

(Ord. 97-11. Passed 11-5-97.)

860.10 APPEALS OF ASSESSMENTS.

No appeal of an assessment shall be heard by the Board of Equalization unless an application for relief is made in writing and received by the Board of Equalization no later than June 1 of the year in which such assessment is made.

(Ord. 97-11. Passed 11-5-97.)

860.11 OMISSION OF LOW-VALUE PERSONAL PROPERTY FROM ASSESSMENTS; OMISSION OF LOW-VALUE REAL AND PERSONAL PROPERTY FROM BILLING.

(a) If any taxpayer owns personal property of such low value that the personal property tax levied upon the property for the tax year results in a tax of less than fifteen dollars (\$15.00), such personal property shall be omitted from the personal property book and such tax shall not be collected.

(b) If any taxpayer owns real or personal property of such low value that the tax levied upon such real or personal property for the tax year results in a tax of less than twenty dollars (\$20.00), such real or personal property tax may not be billed and the Treasurer shall not be required to collect such tax.

(Ord. 99-15. Passed 12-1-99; Ord. 01-04. Passed 7-16-01.)

860.12 PERSONAL PROPERTY TAX RELIEF.

(a) Purpose; Definitions. The purpose of this section is to provide for the implementation of changes to the Personal Property Tax Relief Act of 1998 (VA. CODE Sec. 58.1-3523. et seq.; "PPTRA" or "the Act") made by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the Virginia General Assembly. The terms used in this section that have defined meanings in the Act shall have the same meanings as set forth in VA. CODE Sec. 58.1-3523 as amended by Chapter 1 of the 2004 Acts of Assembly (Special Session I). To the extent that the provisions of this section conflict with any other portion of the Codified Ordinances of Loudoun County, this section shall control.

(b) Method of Computing and Reflecting the Allocation of Tax Relief. For the tax year beginning January 1, 2006, and all subsequent tax years, tax relief shall be a specific dollar amount offset against the total personal property taxes that would otherwise be due on a Qualifying Vehicle but for PPTRA, calculated as a percentage of such total personal property tax due, pursuant to Item 503, Chapter 951 of the 2005 Acts of Assembly ("the 2005 Appropriations Act"). The amount of relief credited, both as a specific dollar amount and as a percentage, shall be shown on the tax bill for each Qualifying Vehicle, together with an explanation of the general manner in which relief is allocated.

(c) Implementation of Tax Relief. Pursuant to Item 503(E) of the 2005 Appropriations Act, the Board of Supervisors shall, by resolution adopted prior to April 1st, annually as part of a regular

Board agenda, set the percentage rate (or rates) of tax relief for the first twenty thousand dollars (\$20,000) of value of Qualifying Vehicles at such a level that it is anticipated to fully exhaust the PPTRA relief funds provided to the County by the Commonwealth of Virginia and comply with the requirements of VA. CODE Sec. 58.1-3524(C)(2).

(d) Transitional Provisions. Pursuant to Item 503(D)(1) of the 2005 Appropriations Act, the Treasurer shall issue a supplemental personal property tax bill, in the amount of 100% of the personal property tax due without regard to any former entitlement to relief under the Act, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a Qualifying Vehicle for tax year 2005, or any prior tax year, remains unpaid on September 1, 2006 or on such date as State funds for reimbursement of the Commonwealth's share of such tax bill under the Act have become unavailable, whichever occurs first. Penalty and interest with respect to bills issued under this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Section 860.03, above, from the original due date of the tax.
(Ord. 05-09. Passed 12-13-05.)